

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

JOSEPH C. WHIGHAM,

*Plaintiff,*

v.

CHASE AUTO FINANCE CORP.,

*Defendant.*

Civil Action No. 2:11cv256

**DEFENDANT'S MOTION TO DISMISS**

NOW COMES Defendant Chase Auto Finance Corporation ("Chase"), by counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves this Court to dismiss Plaintiff's Complaint for failure to state a claim upon which relief may be granted. In support of its motion, Chase refers this Court to its memorandum in support, filed simultaneously herewith.

WHEREFORE, for the reasons stated in the accompanying memorandum of law in support of this motion to dismiss, Chase respectfully requests that this Court (1) grant its motion to dismiss; (2) dismiss the Complaint with prejudice; (3) award Chase its attorneys' fees and costs incurred in defending this matter; and (4) award any other relief that this Court deems just and proper.

Respectfully submitted,

CHASE AUTO FINANCE CORP.

By Counsel

/s/

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**CERTIFICATE OF SERVICE**

I certify that on June 22, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to

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